

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERIWAY CORPORATION

Plaintiff,

-v-

**MAY YAN CHEN, and
ABILITY CUSTOMS INC.**

Defendants

19 -cv-09407 (VSB) (DCF)

**JOINT LETTER MOTION
TO AMEND
SCHEDULING ORDER**

**MAY YAN CHEN d/b/a ABILITY CUSTOMS
BROKERS**

Third-Party Plaintiff

-v-

**EAGLE TRADING USA, LLC., XIYAN ZHANG
and SHIPING JIA**

Third-Party Defendant

WHEREAS, the parties entered into a Case Management Plan and Scheduling Order on September 1, 2020 in which fact discovery was to be completed by 12/31/2020, depositions were to be completed by March 31, 2021, Requests for Admissions were to be completed by 4/30/21, and expert discovery was to be completed by 9/30/2021; and

WHEREAS, via letters to the Court on December 30, 2020, both parties indicated that some documents and other discovery was demanded but not produced and the Court ordered the parties to submit a “joint letter” on or before February 5, 2021 providing details of the discovery each party has sought that said party asserts was not provided; and

WHEREAS, the parties submitted a “joint letter” to the Court as directed on February 5, 2021, in which each party set forth the discovery sought, a copy of the “joint letter” is attached hereto and made a part hereof; and

WHEREAS, the Court has not yet had an opportunity to respond to the February 5, 2021 “joint letter”, and therefore, subject to the Court’s consent, the parties wish to extend the remaining discovery schedule. The proposed extension does not conflict with the case’s trial date, which remains to be scheduled by the Court. Therefore, it’s hereby

STIPULATED AND AGREED, subject to the Court's consent as follows:

1. The date in which fact depositions are to be completed shall be 120 days after the Court issues a ruling on the parties February 5, 2021 "joint letter";
2. The date in which requests for admissions shall be served shall be 180 days after the Court issues a ruling on the parties February 5, 2021 "joint letter";
3. The date in which expert discovery is to be completed shall be 300 days after the Court issues a ruling on the parties February 5, 2021 "joint letter";
4. All discovery shall be completed no later than 330 days after the Court issues a ruling on the parties' February 5, 2021 "joint letter."

Upon the Court issuing a ruling on the parties' February 5, 2021 "joint letter", the parties will submit a conformed proposed First Amended Case Management and Scheduling Order reflecting the above changes.

**Dated: New York, New York
March 25, 2021**

/s/ William Shayne
Shayne Law Group, P.C.
Attorney for Defendants May Y Chen and Ability Customs Inc.
64 Fulton Street, Suite 1000
New York, NY 10038
Tel: 212 566-4949
by William C. Shayne WS5672

/s/ Pete Wolfgram
Pete Wolfgram
Stratum Law LLC
Attorney for Plaintiff Ameriway Corporation
150 Monument Rd., Suite 207
Bala Cynwyd, PA 19004
Tel: 215-621-8008 Ext. 102

DATED: 5/4/2021

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vernon Broderick", written over a horizontal line.

VERNON S. BRODERICK, USDJ